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Attorneys for Plaintiff
ORACLE AMERICA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF GEORGE P. SIMION
IN RESPONSE TO DECLARATIONS
SUBMITTED ON BEHALF OF GOOGLE**

Dept.: Courtroom 4, 3rd Floor
Judge: Honorable Donna M. Ryu

I, GEORGE P. SIMION, declare as follows:

1. I am in-house counsel for Oracle America, Inc. ("Oracle"). My title is Senior Patent Counsel and I represent Oracle in the above-captioned matter.

2. I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently as to the matters set forth herein.

3. I have read Google attorney Ben Lee's declaration filed on August 15, 2011, and his corrected declaration filed on August 17, 2011. I understand that Mr. Lee states that he attended a July 20, 2011 meeting at which Oracle attorneys made a presentation concerning patent infringement by Google.

4. I attended that meeting. Attached as Exhibit 4 to the Second Declaration of Fred Norton In Response to Declarations Submitted on Behalf of Google is what I understand to be a true and correct copy of a document produced by Google with Bates Number GOOGLE-00392259-285, titled "Oracle-Google Android Meeting" and dated July 20, 2010. That document accurately reflects Oracle's presentation.

5. Exhibit 4 contains no reference to Chrome. Oracle has never asserted to Google that Chrome infringes any Java patent or copyright, prior to the July 20, 2010 meeting, at that meeting, or since.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 19, 2011 at Redwood Shores, California.

By: /s/ George P. Simion
George P. Simion

ATTESTATION OF FILER

I, Fred Norton, have obtained Mr. Simion's concurrence to file this document on his behalf.

Dated: August 19, 2011

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Fred Norton
Fred Norton

Attorneys for Plaintiff
ORACLE AMERICA, INC.

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